

Randolph Township Trustees Regular Meeting Thursday, February 23, 2012

Chairman Roger Klodt opened the meeting with the pledge at 7:00 p.m. Roger stated that he reviewed the draft minutes and found them to be accurate. He asked if there were any corrections or additions. Mike moved to approve the minutes as written. Sue seconded. RCV: Mike – yes; Sue – yes; Roger – yes. Present: Trustees Roger Klodt, Mike Lang, Sue White, FO Mary Rodenbucher, D. Kolasky, P. Cernava, B. Murphy, S. & N. Engle, G. Harrison, S. Kitchen, P. Hendrix, V. McKay, J. Bedard, S. Humphrey, B. Lewis, B. Saffles, C. Doak, Mosyjowski, D. Rice,

Old Business

Mike stated his old business will be covered under Larry's and Dan's reports.

Sue thanked everyone for coming. She explained that we received a resolution for "Community Rights and Unconventional Shale Gas Extraction Ban" from a group of residents who care deeply for our community. Sue read the resolution. It was written by Community Environmental Defense Fund (out of PA) for Preserve Rural Randolph. Sue believes in some of what they want, but not in Limited Home Rule. Sue read information on Limited Home Rule. When Sue attended their meeting she did not have any information from our legal counsel. Chris Meduri, of the Portage County Prosecutor's Office, strongly advises against adopting the resolution. Sue stated that the problem the trustees have is that if they sign this resolution they cannot prove it causes harm. There is no proof to prove it. It leaves us open for liability. Sue had other legal counsel look at the document and received the same recommendation. She is not looking at this as something combative, but the way it reads it appears that we will go against the county and state. Sue lives and works here and loves it here, as do the other two trustees. Sue investigated the issue and found out there is not much we can do. We must work with the powers that be to get anything done. Water needs to be tested prior to drilling. We need to make sure everyone, including those outside of our township and county, voice their concern that the drilling should not occur unless safety measures are in place. Sue explained that the trustees began working on a letter before the Bill of Rights was presented to them. Sue stated that Roger spoke at the Portage County Township Association meeting to get the other townships involved. Representative Kathleen Clyde stated that Governor Kasich is listening to constituents and has slowed down the pace of the drilling. Sue stated that the Community Bill of Rights would not happen this year. Newt stated that they did not request Limited Home Rule. Sue stated that we cannot go against the county, state, or federal government. Newt asked why the trustees cannot pass the resolution. Sue explained that she had some residents come to her upset with what they signed. Sue spoke to one of the Portage County Commissioners who stated that they do not have the power to stop the drilling. Roger read the letter that will be sent to Governor Kasich and Ohio Legislators. Roger moved to send the letter to Governor Kasich and Ohio Legislators. Mike seconded. Discussion: Mike feels this is the way we need to go. Newt suggested changing verbiage to include the Division of Mineral Resources of ODNR which may be more accurate. Sue thinks that it is a good idea. RCV: Mike – yes; Sue – yes; Roger – yes.

Sue stated that many people feel there is no harm with the drilling. Roger commented that as trustees, regardless of what some people think, we care about the township. We have our families here. They do not feel anyone is intentionally trying to harm anyone in our township. No one cares more, or as much as anyone else, than those sitting up front. We have no intention of selling our property. A Rootstown resident spoke about a meeting which the trustees stated they will not lease any township land for drilling. The trustees have stated in the past they will not lease any land as long as they are representing the township. Sue stated that others are in favor of drilling. Sandy stated that some people were deceived into signing a lease. She related some comments she heard. Sandy feels our residents should not have to deal with the consequences of those who signed leases. There is no way to prove that drilling is safe. Sandy wants no fracking in the township. Roger stated that we do not have the authority to do what they are asking. Roger has been asking for facts. Can you prove the fact that six wells have been affected by drilling? Sandy feels that the oil companies should test our water at no charge for everyone house in the township. Mike stated we are taking action, even if it is not what they want. We will continue to look out for our residents. Newt asked a procedural question. Newt read a quote from Thomas Jefferson on our website about officials working with the citizens. Newt asked about the process before working on the draft resolution. Sue stated that the resolution was reviewed by our legal counsel and we were advised not to adopt the resolution. We don't have the resources to enforce what was proposed in the resolution. Newt understands that the trustees did not like the resolution presented. He asked if they requested any revisions to the proposed resolution. Sue reread a portion of the letter that asked for a moratorium on fracking until it can be done safely. Newt presented his comments. Roger asked if they contacted anyone on the state level. The Engle's

have stated that they have. Newt stated that the trustees have not followed through. The letter to the governor does not represent the input of the residents. Mike stated that this is what we will start with and continue to follow through. Gary agrees with the trustees. The Rootstown resident asked why the trustees are not taking a stand. Mike stated we are taking a stand. Roger asked for proof that the well in Suffield affected the wells in Randolph. There was discussion about geological differences. Roger stated that everyone needs to contact our state legislators to make changes. Steve stated that his well has been affected along with four other. Roger asked if it was reported to the state. Steve stated that they are not personally involved. Paul blames every resident for not attending meetings to make any changes. He has a problem with truck parking with zoning. Asked residents to attend and know what is going on. The trustees have talked about this for a year. Chesapeake was here for a meeting with only three residents attending and no one spoke up. Paul stated that we are all to blame.

New Business

Mike has nothing at this time

Sue moved to appoint Betty Siegferth to the Zoning Commission for a five year term. Mike seconded. RCV: Mike – yes; Sue – yes; Roger – yes.

Sue moved to appoint Jim Presley from alternative to full member. Mike seconded. RCV: Mike – yes; Sue – yes; Roger – yes.

Sue moved to appoint Diane Makruski as alternate. Mike seconded. RCV: Mike – yes; Sue – yes; Roger – yes.

Roger stated that the annual Health Department meeting will take place on March 26 at the Elks Club in Ravenna. Roger stated that Dan will take care of setting up the PCTA fair booth.

Mary gave the trustees a copy of the January bank reconciliation at the last meeting. She asked if there were any questions. Roger moved to accept the January bank reconciliation. Sue seconded. RCV: Mike – yes; Sue – yes; Roger – yes.

Mary asked if anyone was checking on rate for the township portable toilets as she thought it was previously discussed. No has checked on it, but Mike will make sure to check on it.

Mary requested that all time cards and bills be turned as early as possible on March 5 due to the meeting on Wednesday morning and she is working the elections on Tuesday.

Mary requested a motion to appropriate receipts 24 – 30 totaling \$18,457.33 and pay warrants 33148 – 33183, EFTs 1128 – 1136, and voucher 32 totaling \$40,388.76. Roger so moved. Mike seconded. RCV: Mike – yes; Sue – yes; Roger – yes.

Larry presented the Road Department report. He reported on equipment maintenance and road brush maintenance. Larry received a quote for the crack sealing program. The material has increased in price by \$.04 per pound from last year. He would like to crack seal 4 -5 miles of road this year. Larry will have bid information for our 2012 road materials for the next meeting. One grave was sold in the German Reformed Cemetery this week. This is the first grave he has sold since it was plotted out about 8 – 10 years ago. There were two funerals for a year to date total of six. The County Engineer has drafted an agreement to be used with any oil/gas companies who may use our roads. Roger received a call from the Engineer's Office regarding an EPA grant. Roger stated that the county will apply for four new dump trucks. Tom Repcik from Edinburg is also interested in purchasing a truck. Roger would like to contact Tom and see if there is something we can collaborate on. Mike and Sue are in favor. The grant is due the end of March. Sue stated that she and Mary attended a meeting with Waterloo school representatives and Atwater Township. EPA grant also includes tractors.

Dan presented the Zoning and Trustee Assistant report. One permit was issued. The ZBA approved the request for the Fire Department repeater tower requested by the Randolph Trustees. A mediation session has been scheduled by the Portage County Municipal Court in the Lovejoy case on Thursday, March 15, 2012 in the Mediation Room at 9:00 a.m. The next Zoning Commission will be February 27 at 7:00 p.m. in the SC.

Public Comment

Virginia was interested in Limited Home Rule and her questions were answered. Mike stated that we looked into that in the late 1990's.

Jane voiced her disappointment that the trustees did not go with the proposed resolution. She asked who reviewed the resolution. Roger stated that the Portage County Prosecutor's Office reviewed the resolution. Sue stated that she had someone look at it since she wanted to make sure we are in compliance with our legal counsel and with county and state regulations. There is more that we agree on than what we disagree with. Many of our rights were taken away a long time ago. We cannot stop the drilling and we must follow our legal counsel. Mike stated that we took an oath to do so. Sue cannot sign something that goes against the oath she took. All Portage County townships have the same legal counsel. It is not the trustees fault or the commissioners that we don't have these rights. Sue stated that the oil and gas companies have more rights than anyone else. Jane was hoping to find a common ground with both sides. Mike stated that if enough voices from local government are heard it may stop.

Phyllis asked if trustees have any authority to insure our safety. Roger stated that it is the responsibility of the oil/gas companies.

Sandy H. stated that we need to look at ways to get our rights back.

Sandy E. is disappointed and feels they were not heard. She did not receive any information about the letter that was being drafted. She feels the trustees did not have the courage to truly represent the residents. Sue stated that she must not be communicating very well but the fact is we cannot go against the county, state or federal government. Sandy stated that other communities had the courage to speak up for their residents and not one has been sued. Roger asked that if they want to know how the community feels about the Bill of Rights she should have it put on the ballot. Sandy stated that a community in PA is using their Bill of Rights to fight for their rights.

Newt commented on the letter to be sent and the proposed Bill of Rights has similar language. There was discussion about some points in the letter. Sue stated that the state has the authority to put some laws in place that the township does not have the authority to do. Newt asked if the trustees are going to vote on the Community Bill of Rights. Roger moved to vote on the Community Bill of Rights. Motion died due to lack of a second.

Steve only hopes the trustees come to a consensus to let the community know they are against fracking. Sue stated that we are not against fracking if it is done safe. Doug stated that it is unfortunate that local government control was taken away. It is important to show unity to the state to come up with stricter regulations.

Cathy appreciates the letter and hopes change comes soon.

Gary went to kick off at Akron Food Bank which serves eight counties. They will begin sending information out once a month. He stated that 62.2 % do not have regular access to food.. Roger appreciates the efforts of the Food Shelf representing our town.

Bob S. heard a rumor that NY stopped drilling. Roger thinks there is a moratorium. Bob asked if the same can be done here. He thought that is what he signed. He agrees with the trustees. Sue stated that everyone has their rights.

Bob L. wants to hold the oil/gas companies responsible. He asked if there is any way to hold the seller of the mineral rights responsible. Sue stated that she heard the homeowner may be held responsible if the company does not follow through but does not know if that is true. Bob asked if something could be done to let the landowners know this fact. Sue stated that it is on our website. Bob feels if more people knew this fact, then they may not sign any lease. Newt stated that there was a good letter to the editor in yesterday's paper.

Doug stated that some wells are already contaminated in Carroll County. He would like to see the information on the homeowner being responsible. Doug thanked the RFD for taking care of his property when an oil truck overturned on his property.

MINUTES OF MEETING OF RANDOLPH TOWNSHIP TRUSTEES & FISCAL OFFICER page 526

Bob stated that the tower pertains to everyone in the township and should not be affected by the comments by a few on the ZBA.

Bob L. is concerned about being chased by dogs. He asked if there are any regulations on keeping dogs on their property and not chasing people. He called the Sheriff twice but there was nothing they could do. Mike stated that he should call the dog warden and file a complaint with the Zoning Inspector.

With no further business, the meeting adjourned at 9:03 p.m.

Roger Hott
Mary A. Rodenbacher

RANDOLPH TOWNSHIP
PORTAGE COUNTY, OHIO
A RESOLUTION

“COMMUNITY RIGHTS and UNCONVENTIONAL SHALE GAS EXTRACTION BAN”

___/___/2011

Motion by _____

WHEREAS, the Board of Trustees of Randolph Township finds the unconventional extraction of shale gas in Randolph would violate the rights of residents and neighborhoods, and poses a significant threat to their health, safety, and welfare; and

WHEREAS, widespread environmental and human health impacts have resulted from unconventional gas extraction in other areas; and

WHEREAS, “regulating” the activity of unconventional gas extraction automatically means allowing unconventional gas extraction to occur within the Township, thus violating the rights of residents and neighborhoods and endangering their health, safety, and welfare by allowing the deposit of toxins into the air, soil, water, environment, and the bodies of residents within our Township; and

WHEREAS, meaningful regulatory limitations and prohibitions concerning unconventional shale gas extraction, along with zoning and land use provisions, are barred by the state because they conflict with purported legal powers claimed by resource extraction corporations; and

WHEREAS, the Board of Trustees of Randolph Township recognize environmental and economic sustainability cannot be achieved if the rights of community majorities are routinely subordinated to and overridden by corporate minorities claiming certain legal powers; and

WHEREAS, the Board of Trustees of Randolph Township also recognizes that sustainability cannot be achieved within a system of preemption which enables those corporations to use state governments to override local self-government, and which restricts communities to only that lawmaking specifically authorized by state government; and

WHEREAS, the Board of Trustees of Randolph Township believes that the protection of residents, neighborhoods, and the natural environment constitutes the highest and best use of the police powers that this community possesses; and

WHEREAS, the Board of Trustees of Randolph Township also believes that local legislation that embodies the interests of the community is mandated by the doctrine of the consent of the governed, and the right to local, community self-government; and

WHEREAS, this resolution establishes a Bill of Rights which recognizes and secures the civil and political rights of Randolph Township residents, pursuant to Article I, Section 20 of the Ohio Constitution which states: "This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers, not herein delegated, remain with the people"; and

WHEREAS, this resolution bans the unconventional extraction of shale gas within the Township because that extraction violates the civil rights of Randolph Township residents, and because it threatens the health, safety, and welfare of residents and neighborhoods of Randolph Township; and

WHEREAS, this resolution removes legal powers and authority from gas extraction corporations within Randolph Township, in recognition that those legal powers are illegitimate and unjust, in that they place the rights of those corporations over the rights and political authority of Randolph Township residents; and

WHEREAS, this resolution is enacted pursuant to the inherent right of the residents of Randolph Township to govern their own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and the Ohio Constitution's recognition that "All political power is inherent in the people"; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Randolph Township Board of Trustees, Portage County, Ohio, that we hereby adopt the following resolution, which establishes a Community Bill of Rights for the residents and communities of the Township, bans unconventional extraction of shale gas within Randolph Township because that extraction cannot be achieved without violating the rights of residents and communities or endangering their health, safety, and welfare, removes certain legal powers from gas extraction corporations operating within Randolph Township, nullifies state laws, permits, and other authorizations which interfere with the rights secured by this resolution, and imposes liabilities and fines for violations thereof.

Section 1 – Definitions

(a) "Corporations," for purposes of this resolution, shall include any corporation, limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers.

(b) "Extraction" shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing shale gas or other hydrocarbons.

(c) "Extraction, Production and Delivery Infrastructures" shall mean, but not be limited to, pipelines, processing facilities, compressors, as well as anything used for

exploration, storage or transportation of shale gas and oil extracted using unconventional extraction processes. The term shall include equipment and materials used for seismic testing.

(d) "Horizontal gas well drilling" shall mean intentional deviation of a shale gas wellbore from the vertical for the purpose of reaching subsurface areas laterally remote from the point where a well drilling bit or similar equipment enters the earth at the surface.

(e) "Hydraulic fracturing" shall mean operations in which water, chemicals and a solid proppant are pumped into a wellbore at a rate sufficient to increase the pressure downhole to a value in excess of the fracture gradient of the formation rock, causing the formation to crack, thus allowing the fracturing fluid to enter and extend the crack farther into the formation, forming passages through which shale gas or oil can flow.

(f) "Production Activities" shall include, but not be limited to, the siting of compressors; drill rigs; pipelines; waste water storage, treatment or processing facilities; temporary housing; and any extraction, production or delivery infrastructures related to, or supporting, unconventional extraction of shale gas and oil.

(g) "Unconventional Extraction" shall mean extraction activities involving gas well drilling in combination with hydraulic fracturing.

Section 2 – Statements of Law: Rights of Randolph Township Residents and the Natural Environment.

(a) Right to Water. All residents, natural communities and ecosystems in Randolph Township possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Township.

(b) Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within Randolph Township. Residents of the Township shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.

(c) Right to a Sustainable Energy Future. All residents, natural communities, and ecosystems in Randolph Township possess a right to a sustainable energy future which includes, but is not limited to, the production and use of energy from renewable fuel sources.

(d) Right to Local Community Self-Government. All residents of Randolph Township possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their

directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.

(e) People as Sovereign. Randolph Township shall be the governing authority responsible to, and governed by, the residents of the Township. Use of the "Randolph Township" government by the sovereign people of the Township to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a state-designated administrative body that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.

(f) Rights as Self-Executing. All rights delineated and secured by this resolution shall be self-executing and these rights shall be enforceable against corporations and governmental entities.

Section 3 – Statements of Law – Prohibitions and Corporate Legal Privileges

(a) It shall be unlawful for any corporation to engage in the unconventional extraction of shale gas within Randolph Township.

(b) It shall be unlawful for any corporation to engage in the extraction of water from any surface or subsurface source within Randolph Township for use in the unconventional extraction of shale gas, or for any director, officer, owner, or manager of a corporation to use a corporation to extract water from any surface or subsurface source within Randolph Township for use in the unconventional extraction of shale gas. It shall be unlawful for a corporation to import water into Randolph Township for use in the unconventional extraction of shale gas; or for any director, officer, owner, or manager of a corporation to do so.

(c) It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the creation, use or siting within Randolph Township of unconventional extraction, production and delivery infrastructures or equipment.

(d) It shall be unlawful within Randolph Township for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to store, transport or process waste water, "produced" water, "frack" water, brine or other materials, chemicals or by-products used in the unconventional extraction of shale gas. It shall be unlawful for any corporation, or any person using a corporation, to deposit those materials into the land, air or waters within Randolph Township.

(e) Corporations in violation of the prohibitions enacted by this resolution shall not have the rights of "persons" afforded by the United States and Ohio Constitutions, nor shall those corporations be afforded rights under the 1st or 5th amendments to the United States Constitution or corresponding sections of the Ohio Constitution, nor shall those

corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Ohio Constitution.

(f) Corporations in violation of the prohibitions enacted by this resolution shall not possess the authority or power to enforce State or federal preemptive law against the people of Randolph Township, or to challenge or overturn resolutions adopted by the Board of Trustees of Randolph Township, when that enforcement or challenge interferes with the rights asserted by this resolution or interferes with the authority of the Township to protect the health, safety, and welfare of its residents.

(g) No permit, license, privilege or charter issued by any State or federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this resolution or deprive any Township resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this resolution, the Ohio Constitution, the United States Constitution, or other laws, shall be deemed valid within Randolph Township

Section 4 – Enforcement

(a) Any person, corporation, or other entity that violates any prohibition of this Resolution shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay \$1,000 for the first violation, and \$2,000 for each subsequent violation. A separate offense shall arise for each day or portion thereof in which a violation occurs.

(b) Randolph Township may also enforce this Resolution through an action in equity brought in a Court of competent jurisdiction. In such an action, Randolph Township shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(c) Any Randolph Township resident shall have the authority to enforce this Resolution through an action in equity brought in a Court of competent jurisdiction. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(d) Any person who brings an action to secure or protect the rights of natural communities or ecosystems within Randolph Township shall bring that action in the name of the natural community or ecosystem in a court of competent jurisdiction. Damages shall be measured by the cost of restoring the natural community or ecosystem to its pre-damaged state, and shall be paid to Randolph Township or other applicable governmental entity, to be used exclusively for the full and complete restoration of the natural community or ecosystem.

Section 5 – Effective Date and Existing Permit Holders

This Resolution shall be effective five (5) days after the date of its enactment, at which point the Resolution shall apply to any and all commercial extractions of shale gas in Randolph regardless of the date of any applicable permits.

Section 6 – People’s Right to Self-Government

The foundation for the making and adoption of this law is the people’s fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and pursuit of happiness. Any attempts to use other units and levels of government to preempt, amend, alter, or overturn this resolution, or parts of this resolution, shall require the Board of Trustees of Randolph Township to hold public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-government. Such consideration may include actions to separate the Township from the other levels of government used to preempt, amend, alter, or overturn the provisions of this resolution or other levels of government used to intimidate the people of Randolph Township or their elected officials.

Section 7 – Severability

The provisions of this resolution are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this resolution is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the resolution. The Board of Trustees of Randolph Township hereby declares that in the event of such a decision, and the determination that the court’s ruling is legitimate, it would have enacted this resolution even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 8 – Repealer

All inconsistent provisions of prior resolutions adopted by the Randolph Township Board of Trustees are hereby repealed, but only to the extent necessary to remedy the inconsistency

Seconded by _____

Vote: _____; _____; _____.

INFORMATIONAL BACKGROUND

House Bill 77 was enacted by the 119th General Assembly and signed by Governor Voinovich on June 18, 1991 allowing Limited Home Rule. Since that time, amendments were made on June 17, 1999, September 5, 2001, and September 25, 2003.

1. As a general rule, the townships that have chosen to adopt this form of government have relatively large populations with the average being 28,000. Examples are (based on 2000 census):

West Chester, Butler County	52,616
Springfield, Hamilton County	37,587
Fairfield, Butler County	15,571
Deerfield, Warren County	25,515
Sycamore, Hamilton County	19,675
Batavia, Clermont County	17,503
Union, Clermont County	42,332

2. Limited Home Rule permits any legislation not specifically prohibited by the Ohio Revised Code (ORC). It enables townships to enact legislation in a broad range of areas that it cannot do as a statutory township. Attachments are permitted (*Attachment "A"*) and non-permitted legislation (*Attachment "B"*) under Limited Home Rule.

AUTHORIZED POWERS (THINGS THAT CAN (but do not have to) BE DONE)

1. Changes in Limits in Debt Issuance:
 - a. Under the traditional form of township government, there are limits on the amount of indebtedness that can be incurred equal to 5% of the total assessed property valuation in the township. A commitment to increase debt requires a vote of the residents. Such debt can be committed only up to 10 years.

- b. Limited Home Rule townships can expand upon debt options. The debt can be incurred up to 10% of assessed property value and of that 10%, 5.5% can be incurred on a trustee vote. The time period over which debt can be carried increases in some instances from 10 years to 30 years.
- 2. Hiring of an Engineer:
 - a. Home rule gives township's authority to hire an independent engineer to work on roadway projects in the township with the approval of the County Engineer.
- 3. Authority to Provide Sewer Services:
 - a. Home Rule allows townships to become a provider of sanitary sewer services under certain conditions and through several methods.

***REQUIRED LEGISLATION
(THINGS THAT MUST BE DONE)***

- 1. Hire township law director on a full or part-time basis. If township wishes to enter into contract with county prosecuting attorney to serve as law director, Board of County Commissioners must approve. The Board of Trustees sets the law director's salary.
- 2. Establish a police district. The township can create an individual police district, a joint police district with other townships, or contract for police services.
- 3. Resolutions must be drafted for the Trustee meeting and must be read at two different township meetings before passage. The second reading may be waived by a majority vote of the trustees.
- 4. Resolutions can only contain one subject matter in its title.

PROCEDURE FOR ADOPTION OF HOME RULE

- 1. Populations less than 5,000 - not permitted to adopt limited home rule government.
- 2. Populations 5,000 through 14,999 - township trustees, by majority vote, may adopt resolution to have an election on the question of adopting limited home rule. If voters approve, home rule becomes effective on January 1 following election. Process may also be initiated by initiative petition of electorate.
- 3. Populations 15,000 or more (urban township). One public hearing, then township trustees may establish:
 - a. By unanimous vote, effective 30 days after the date of its adoption unless petition by electors requesting vote at special election is submitted within 30 days after passage.

or

- b. By majority vote, resolution causing board of elections to submit question to electors. If passed by voters, it becomes effective January 1 of following year.
- 4. Home Rule may be terminated after three years if the trustees adopt a resolution to put the issue on the ballot at a general election. Electors may initiate termination prior to the expiration of three years.

ADVANTAGES

- 1. Authority in areas not previously permitted to legislate.
- 2. More powerful and efficient means of enforcing resolutions, collecting fines, and penalties for infractions:
 - a. Civil fines up to \$1,000 may be imposed - resolution must clearly define the violation and fine.
 - b. Violator has 14 days to pay or provide answers for violations (payments for fines go into General Fund).
 - c. If nothing happens in 14 days, Township Fiscal Officer notifies Courts of violation.
- 3. Direct promotion of quality of life for residents.
- 4. Greater debt issuance authority - this will allow township to have greater flexibility, lower interest rates, and lower issuance costs as investors feel more confident in guarantee of home rule:
 - a. Rating agencies (e.g. Moody's) look very highly on Limited Home Rule Townships - can acquire higher bond rating which allows for lower debt costs.
 - b. Can combine different debt obligations under one General Obligation bond rather than having separate bonds for separate items. Larger issues allow for better rates.
 - c. Although this provides greater flexibility in issuing debt, the township still needs to show it can pay it back and how it will affect the future budgets. Consequently, full financial analysis still must be performed before any issuance would occur.
- 5. Police and certain water and sanitary service self-reliant.
- 6. Improved residential, industrial, and business development within the township.

DISADVANTAGES

1. Home rule township must hire a township law director on full or part-time basis. This has the possibility of increasing legal fees.
2. Authority is broad, but not precise, resulting in court challenges on basis that resolution exceeds the grant of authority under Chapter 504.
3. Court decisions only final authority in most cases.
4. Chapter 504 gives townships general home rule powers, then limits the powers by listing areas that townships are prohibited from legislating.
5. While townships can establish resolutions that impose civil penalties, these can only be enforced as civil violations (as opposed to criminal). Prosecution of an offense must be performed by the township Law Director and any fines levied are civil judgments which must then be collected. This process can be unwieldy and expensive.

ATTACHMENT "A" PERMISSIBLE
LEGISLATION UNDER LIMITED HOME RULE

- Passing curfew restrictions for minors.
- Regulating part-time employment of off-duty police officers.
- Establishing reimbursement procedures of other political subdivisions.
- Prohibiting tampering with township property.
- Limiting speed on township roads.
- Passing nuisance and public safety resolutions.
- Prohibiting storage of abandoned junk vehicles.
- Instituting recycling measures.
- Instituting emergency traffic/parking ordinances.
- Restricting or expanding use of township facilities.
- Building, plumbing, electrical, refrigeration, machinery, piping, boiler, heating, air conditioning, fire, fire hazard, fire prevention codes (where county has not adopted such codes).
- Broader powers to enforce zoning codes.
- Regulation of parking, noise control, abating nuisances.
- Regulation of manufacturers, dealers, peddlers, and amusements.
- Regulation of transient dealers and solicitors.
- Establishing speed limits on township roads.
- Regulation of noxious weeds, brush, and litter.
- Broader power to deal with other political subdivisions.
- Prohibit tampering with township property.
- Regulating public gatherings, concerts, etc.
- Regulation of parks and public facilities.
- Impounding animals.
- Regulation of street vendors.
- Regulation of wharves and docks.
- Regulation of shows and games.
- Regulation of erection of fences and signs.
- Regulating nuisance and public safety.
- Regulation of recycling.
- Traffic and parking regulations.
- Regulation of use of township facilities.
- Appropriate funds for community projects.

Civil fines, up to \$1,000, may be imposed

ATTACHMENT "B" NON-PERMITTED

LEGISLATION UNDER LIMITED HOME RULE

- No resolution may be in conflict with the general laws of the State. Limited Home Rule grants broad authorizations to townships to act legislatively, so long as the action does not conflict with Ohio law, specifically in Section 504 of the Ohio Revised Code.
- No tax other than as authorized under the general laws. A township wide income tax cannot be imposed.
- May not encroach upon the powers, duties, and privileges of elected township officials.
- May not modify the form or structure of the township government unless required by law.
- May not create a criminal offense or impose criminal penalties.
- May not impose civil fines other than as authorized.
- May not establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water drainage regulations.
- May not establish or revise building codes or standards or other standard codes except as authorized.
- Townships' powers relative to agriculture or the conservation or development of natural resources may not be increased, decreased, or altered in any way.
- No ability to establish regulations effecting hunting, trapping, fishing, or the possession, use, or sale of firearms.
- No power to establish or revise water or sewer regulations except as stated.